

SENATE BILL REPORT

SB 6217

As Reported By Senate Committee On:
Judiciary, January 23, 2008

Title: An act relating to district court clerk fees.

Brief Description: Regarding fees allowed as court costs in district courts.

Sponsors: Senator Hatfield.

Brief History:

Committee Activity: Judiciary: 1/18/08, 1/23/08 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Hargrove, McDermott and Weinstein.

Minority Report: Do not pass.

Signed by Senator Carrell.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Lidia Mori (786-7755)

Background: The district courts in Washington State are a court of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under 50,000 dollars. District courts have exclusive jurisdiction over small claims and infractions. Washington state has 49 district courts established in the 39 counties.

District court clerks are required by statute to collect certain fees for their official services. Some of the official services for which district court clerks collect a fee include issuance of a writ, filing a supplemental proceeding, preparation of a transcript of a judgement, certification of any document on file or of record, and preparation of the record of a case for appeal to superior court.

Summary of Bill (Recommended Substitute): Clerks of the district courts are required to collect a fee for performance of a variety of official services. For copies made on a compact disc, a fee of twenty dollars for each compact disc must be charged. District court clerks are

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authorized to charge a fee not to exceed twenty dollars per hour or portion of an hour for services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): The bill is narrowed such that district court clerks are required to charge a fee of 20 dollars for copies made on a compact disc. They are authorized to charge a fee not to exceed 20 dollars per hour or portion of an hour for services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill allows district court clerks to charge for the same services that superior court clerks perform. The processing of ex parte orders requires quite a bit of time for clerks to do. If it was only one case, then not much time would be involved, but when the number of cases increases, as it has the last few years, it is a significant impact on the clerks' time.

CON: There is concern about the fee being proposed for the ex parte orders. It is effectively like doubling the filing fee. The defendants generally end up paying these costs, and they're the ones that are least able to afford them. Some courts don't have paper files anymore, like King county, so there's no real physical effort involved.

Persons Testifying: PRO: Judge Douglas Goelz, Pacific County South District Court.

CON: Kevin Underwood, Washington Collectors Association; Greg Luhn, Washington Collectors Association.